

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)	
)	
Plaintiff,)	Civil Action No. 2:13-cv-781
)	
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Lisa Pupo Lenihan
OFFICER MACHESKY, <i>et al.</i> ,)	
)	
Defendants.)	ECF No. 29
)	
)	
)	

MEMORANDUM ORDER

The Complaint was filed in the above captioned case on June 13, 2013, after Plaintiff's Motion to Proceed *In Forma Pauperis* was granted. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 34), filed on January 12, 2015, recommended that the Motion to Dismiss (ECF No. 29) filed by Defendants Officer Dave Machesney, Police Chief Robert McNeilly, and the Township of Elizabeth, be granted and the Complaint be dismissed. Service of the Report and Recommendation was made on Plaintiff at his address of record, P.O. Box 295, Pittsburgh, PA 15230. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. No objections have been

filed to the Report and Recommendation. However, on January 20, 2015, Plaintiff filed a motion for leave to file an amended complaint (ECF No. 35), which the Magistrate Judge denied on January 22, 2015 (ECF No. 36).

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 30th day of January, 2015,

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 29) filed by Defendants Officer Dave Machesney, Police Chief Robert McNeilly, and the Township of Elizabeth is **GRANTED** and the Complaint is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 34) of Magistrate Judge Lenihan, dated January 12, 2015, is adopted as the opinion of the Court.

BY THE COURT:

s/Nora Barry Fischer
United States District Judge

cc: Frederick Banks, Pro Se
P.O. Box 295
Pittsburgh, PA 15230
Via First Class Mail

All Counsel of Record
Via CM/ECF Filing